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**RECEIVED**

**JUN 07 2016**

*Via Fed-Ex (Overnight).*

Pesticides & Toxic Substances Branch

March 7, 2016

Mark Bean  
U.S. Environmental Protection Agency - Region II  
Pesticides and Toxic Substances Branch  
2890 Woodbridge Avenue - MS105  
Edison, New Jersey 08837

**RE: Freedom of Information Act Request EPA-R2-2016-001966**

**CONFIDENTIAL - Pursuant to 40 C.F.R. 2.205(c)**

Dear Mr. Bean:

We represent Saint-Gobain Performance Plastics Corporation ("SGPP"). On February 16, 2016, SGPP received a letter from the United States Environmental Protection Agency ("USEPA") concerning a Freedom of Information Act ("FOIA") request that the USEPA received for information SGPP submitted in connection with an inspection of certain SGPP facilities on October 20, 2015. More specifically, SGPP submitted confidential business information ("CBI") to the USEPA on November 3, 2015, November 6, 2015, November 13, 2015 and December 4, 2015. The February 16, 2016 letter provided SGPP with an opportunity to demonstrate that the information SGPP submitted to the USEPA should be considered CBI. SGPP has thoroughly reviewed the information contained in the above-mentioned submissions and the following responses demonstrate that some of the documents submitted to the USEPA should continue to be protected as CBI and not be disclosed to the public in order to avoid substantial harmful effects on SGPP's competitive position.

Enclosed is an external computer hard drive that contains each document that SGPP asserts should, in part, remain designated as CBI. The documents on the hard drive are labeled Document A through Document G. The portions of each document that SGPP claims are CBI are highlighted in yellow. The responses below explain why the highlighted information should

remain CBI. *Pursuant to 40 C.F.R. 2.205(c), the text of all responses provided below should be deemed CONFIDENTIAL.*

**Document A on External Drive:**

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specified event will eliminate the need for confidentiality, please specify that event.

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question 1?

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

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4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

6. For each category of information claimed as confidential, explain with specificity why the release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

7. Do you assert that the information is submitted on a voluntary or mandatory basis? Please explain the reason for your assertion. If the business asserts that the information is voluntarily submitted information, please explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

8. If you believe any information to be a trade secret or secrets, please state so and explain the reason for your belief. Please attach copies of those pages with brackets around the text that you claim to be a trade secret or secrets.

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

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9. Any other issue you deem relevant (including, if pertinent, reasons why you believe the information you claim to be CBI is not emission data or effluent data).

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**Document B on External Drive:**

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specified event will eliminate the need for confidentiality, please specify that event.

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2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question 1?

CLAIMED CBI. REDACTED PENDING CBI DETERMINATION.

3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

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4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

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**Document C on External Drive:**

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specified event will eliminate the need for confidentiality, please specify that event.

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2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question 1?

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3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

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**Document D on External Drive:**

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CLAIMED CBI. REDACTED PENDING  
CBI DETERMINATION.

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CLAIMED CBI. REDACTED PENDING  
CBI DETERMINATION.

CLAIMED CBI. REDACTED PENDING  
CBI DETERMINATION.

CLAIMED CBI. REDACTED PENDING  
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3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

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9. Any other issue you deem relevant (including, if pertinent, reasons why you believe the information you claim to be CBI is not emission data or effluent data).

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**Document E on External Drive:**

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3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

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**Document F on External Drive:**

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**Document G on External Drive:**

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Based upon the information provided above, SGPP expects that the highlighted portions of Documents A through G on the enclosed external computer hard drive will continue to be designated as CBI and that the USEPA will continue to withhold that information from production in response to the FOIA request in question. We would appreciate receiving confirmation from the USEPA regarding its determination. If you have any questions or require any additional information please feel free to contact us.

Very truly yours,



CHRISTOPHER R. GIBSON

Enclosure

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